

1 September 1999

## Inspection

### COMPLAINTS

This regulation establishes policies and procedures for submitting and processing complaints against CAP members acting in their volunteer capacity and against the corporate entity. This regulation does not apply to complaints against persons acting in their capacity as CAP employees, which are governed by the CAP Employee Handbook.

**1. Definitions.** The following definitions apply:

**a.** "CAP Directive" means all CAP regulations, manuals, pamphlets, and policy letters. Also, directives shall include supplements approved by region and wing commanders.

**b.** "CAP Member" means a person who is not acting as a paid employee of CAP, but as a CAP volunteer providing services for the public good without expectation or receipt of salary, pay, or compensation of any kind and enjoying privileges of membership in CAP. (See CAPM 39-2, *Civil Air Patrol Membership*).

**c.** "Complainant" means one who identifies a possible violation of a CAP directive, violation of law or serious misconduct, and brings it to the attention of the inspector general or a person in a position of leadership or authority.

**d.** "Complaint" means a written document listing facts and circumstances specifically reporting a violation of a CAP directive (as defined above), a violation of law, or serious misconduct.

**e.** "Conclusion" means the logical determination reached through reasoning and based upon factual information.

**f.** "Employee" means a person who is a paid employee of Civil Air Patrol, Incorporated.

**g.** "Frivolous Complaint" means the filing of trivial, superficial, and senseless complaints that may tend to subvert, obscure, or impede leadership authority, or a complaint intended for retaliation against the corporation, general membership, or a specific member for the purpose of harassment, abuse, or adversely impacting morale.

**h.** "Hostile Environment" means any threatening environment or atmosphere including, but not limited to, emotional and physical abuse, hazing, stalking, abusive and demeaning language, or any gross public humiliation.

**i.** "Inspector General (IG) or Investigative Officer (IO)" means the appropriate CAP inspector general or investigative officer assigned.

**j.** "Investigation" means an authorized, systematic, and detailed examination to uncover facts and determine the truth and validity of a complaint.

**k.** "Preliminary Investigation" means the gathering of information or facts to determine whether the merits of an allegation indeed constitute a legitimate complaint.

**l.** "Priority Investigation" means an investigation directly impacting cadet protection issues, safety, loss of life, or CAP tangible assets. These investigations are critical and will take precedence over all other pending investigations.

**m.** "Read In Document" means a mandatory initial document setting out the scope and expectations of the investigations and signed by those individuals giving evidence. (Attachment 1). Read In documents may be amended from Attachment 1 to meet individual state legal requirements, but must be approved by NHQ CAP/GC.

**n.** "Recommendation" means a single or multiple listing of suggested remedies.

**o.** "Respondent" means a person who is alleged to have committed, or who is responsible for others who may have committed, a violation of a CAP directive, a violation of law, or serious misconduct.

**p.** "Summary Report of Investigation" (SROI) means the final report written by the respective inspector general or the assigned investigative officer summarizing the findings and conclusions of the investigation.

**2. Discrimination, Sexual Abuse Complaints, Complaints Involving Criminal Conduct.** The region commander, wing commander, or inspector general receiving such a complaint of discrimination, sexual abuse or complaint involving criminal conduct shall give immediate notification to NHQ CAP/GC and NHQ CAP/DP. NHQ CAP/GC will notify appropriate Air Force authorities where DoD directives are involved. No investigation shall occur unless and until specifically authorized by NHQ CAP/GC. (See CAPR 39-1, *Nondiscrimination in Federally Assisted Programs*; CAPR 52-10, *CAP Cadet Protection Policy*; and CAPR 52-16, *Cadet Program Management*).

**3. Complaints Processed Under Other Regulations.** The IG or their assigned IO (see Attachment 2) will investigate and process complaints in accordance with the applicable regulations involving the following subjects:

**a.** membership termination or non-renewal (see CAPR 35-3, *Membership Termination* and CAPM 39-2)

b. membership suspension or suspension from duty status (see CAPR 35-1, *Assignment and Duty Status*)

c. suspension or removal from corporate office (see CAPR 35-8, *National Appeal Board*)

d. suspension or removal from CAP flying privileges (see CAPR 60-1, *CAP Flight Management*)

e. Cadet sexual abuse, physical abuse and hazing (see CAPR 52-10 and CAPR 52-16)

#### **4. Complaints and Chain of Command Policy:**

a. To provide an opportunity for the internal resolution of disputes, unit commanders are encouraged to maintain an open door policy for the members of their respective units.

b. Members must follow the chain of command. Commanders and members should make every attempt to resolve problems, conflicts, and disputes within CAP at the lowest unit level possible.

1) However, in a situation of alleged sexual harassment or abuse (allegations either verbal or in writing), unit commanders will immediately report the allegation to the wing or region commander who in turn will immediately report it to NHQ CAP/GC.

2) Incidents and complaints regarding alleged discrimination or discriminatory practices will be reported promptly to the wing or region commander. The wing or region commander shall immediately report the incident to the NHQ CAP/DP.

3) In incidents or complaints regarding an alleged hostile environment, unit commanders immediately report the allegation to the wing commander, region commander, or inspector general.

c. A member's use of the procedures set forth in this regulation will be free from retribution or reprisal by any other member; however, abusive, repetitious, malicious or harassing complaints are prohibited. Members that file such prohibited complaints may be subject to disciplinary action including membership termination.

d. Members shall not send copies of complaints, or correspondence related to complaints, to other CAP members, including any member of the national CAP staff and/or the USAF staff. However, nothing herein should be interpreted as restricting a member's right to communicate with elected or regulatory federal, state, and local governmental and local governmental officials or legal counsel.

#### **5. Complaints Submission:**

a. All complaints must be in writing, dated and signed by the complainant. Email complaints require a written follow up with a signature within 5 days. Complaints must be accompanied by all available documentation in the possession or control of the complainant. Priority investigations may be initiated upon receipt of a verbal or email complaint, which must be followed by a written complaint submitted within 5 days. Only members have the right to file complaints,

with the exception that parents or legal guardians may submit complaints on behalf of cadet members.

b. Complaints shall be submitted to the wing inspector general to which the member is assigned (group inspector general in those wings with groups). Should the complaint be against the wing commander or wing inspector general, the complaint shall be filed with the region inspector general. Complaints against the group commander or group inspector general shall be filed with the wing inspector general.

c. Complaints against the region inspector general, members of the CAP National Executive Committee, and members assigned to National Headquarters shall be submitted directly to the National Commander. No other complaints may be submitted directly to the National Commander.

d. The complainant shall submit the complaint within 60 days of the occurrence or action upon which the complaint is based.

e. Complaints may be delivered personally, by mail, or by email. The date of actual receipt or 3 days following the date of the postmark, whichever is earlier, is the effective date of the complaint.

f. Complainants, respondents, and witnesses are expected to be truthful in all matters concerning an investigation. Failure to be truthful, to respond, or to cooperate fully in an investigation or the submission of a frivolous complaint may cause termination of membership privileges or other privileges provided by CAP directives.

g. In the case of a conflict of interest between the inspector general, assigned investigative officer or complainant and respondent or witnesses, the inspector general or investigative officer will refer the complaint to the next highest level inspector general office. However, upon completion of the investigation, the findings and conclusions shall be sent to the original command level in which the complaint was filed.

h. Prior to presenting a complaint to the appropriate inspector general, individuals should first consider whether their complaints may be solved more quickly and simply by referring them to the member's unit commander, legal officer, or chaplain.

#### **6. Complaint Processing:**

a. The wing, region, or National Commander will insure the inspector general or investigative officer, at an appropriate level, shall investigate all complaints in consultation with the wing, region or National Legal Officer. Receipt of a complaint shall be acknowledged in writing by the inspector general or assigned investigative officer within 30 days. The inspector general will notify the respondent's commander of the complaint and, on behalf of the commander, shall either personally investigate the complaint, or cause an investigation to be completed. Upon initiation of an investigation, the inspector general or investigative officer shall provide the respondent a short, plain

statement of the general nature of the complaint and that the complaint is under investigation. The identity of the complainant shall remain confidential.

**b.** Priority investigation complaints shall take precedence over all other complaints and shall be processed immediately by the inspector general or assigned investigative officer.

**c.** Since the purpose of an investigation is to seek a fair and rightful conclusion, complainants, respondents, and witnesses, who are CAP members, are required to cooperate fully. Failure to respond with truthful and complete information or any action to impede the process of the investigation in any way may subject a member to disciplinary action including termination of membership. Every individual providing evidence in an investigation will sign the Read In Document. There is no requirement for legal representation, recorded testimony, a formal hearing, or application of the rules of evidence. If any complainant, respondent or witness fails to appear after being properly notified, the investigation should proceed without their input.

**d.** It is the responsibility of the inspector general or assigned investigative officer to conduct an objective inquiry and to find factual information.

**e.** Upon completion of an investigation the inspector general or investigative officer will submit written findings and recommendations to the appropriate commander. Format of an investigation summary report shall include at least the following points:

- 1) Complainant's allegation.
- 2) A summary or background of the incident.
- 3) Applicable Civil Air Patrol directives that may have been violated.
- 4) Complainant's documentation and/or testimony. (Attach copy of Read In Document)
- 5) Respondent's documentation and/or testimony. (Attach copy of Read In Document)
- 6) Witnesses' documentation and/or testimony, if any. (Attach copy of Read In Document)
- 7) Factual findings.
- 8) Conclusion classification derived from the findings (unfounded, exonerated, inconclusive, or sustained). If the inspector general or investigative officer considers the complaint a frivolous complaint as defined in this regulation, that finding should also be noted.
- 9) Recommendation(s) or suggested remedies.
- 10) Signature of the inspector general or investigative officer.

**f.** Conclusion classifications shall include the following categories:

**UNFOUNDED** -- The inquiry determined that the act or acts complained of did not occur.

**EXONERATED** -- The inquiry revealed that the acts complained of occurred but were justified according to applicable directives, and the action was proper.

**INCONCLUSIVE** -- The inquiry failed to establish the facts of the allegation or disclose sufficient information to prove or disprove the allegation.

**SUSTAINED** -- The inquiry disclosed substantial evidence or a significant amount of information in support of the allegation made in the complaint.

**g.** The findings of the inspector general or the investigating officer shall be based upon substantial evidence.

**h.** The investigating CAP command level shall pay the costs incurred during investigations. The inspector general or assigned investigative officer will not be expected to personally pay for expenses related to any investigation.

**i.** Upon receipt of the findings and any recommendations, and when a commander is satisfied that the complaint has been fully investigated, the commander will provide the complainant and the respondent with a written response stating the commander's decision by official memorandum.

## 7. Review Process:

**a.** If either the complainant or respondent desires a review of a commander's decision, the person requesting the review shall forward, with the request for review, the following to the next higher commander:

1) A copy of the complaint, the findings, and the decision.

2) A detailed, written statement enumerating, with supporting information, each alleged error in the findings or decision.

**b.** Requests for review must be submitted within 30 days of the receipt of the decision. The reviewing commander upon good cause shown may extend this deadline.

**c.** The commander considering the request for review may:

1) Affirm or modify the decision that has been sent for review; or

2) In the event the reviewing commander determines that additional information is required, the commander shall instruct the inspector general to gather the information necessary to complete the review.

**d.** Upon receipt of the information requested and once the reviewing commander is satisfied that the complaint has been fully investigated, a decision, in writing, setting forth the reviewing commander's findings and decision must be furnished to the parties as well as the commander who made the initial decision.

e. Reviews of findings and decisions may continue up the chain of command until the review reaches the region commander whose decision will be final.

f. No review or referral of any complaint to the National Commander is authorized except those initially filed against a region inspector general, National Executive Committee members, or members assigned to National Headquarters. The decision of the National Commander on any such complaint will be final.

#### **8. Disposition of Records:**

a. Upon completion of an investigation and any subsequent appeals, the inspector general at the appropriate level, wing, region, or national shall consolidate a copy of all documentation. This shall constitute the case file. Seal the file in an envelope, mark the outside of the envelope with the year the complaint

was initiated and the full name of the complainant. These files are confidential and should be kept under lock and key and passed to the subsequent inspector general. A copy of these case files shall be maintained for seven years.

b. The inspector general shall not disclose case files or any information contained therein except upon specific written authorization of the wing, region or National Commander.

c. If the complaint has been sustained, a copy of the Summary Report of Investigation (SROI) (see Attachment 3) will become a permanent part of the personnel files of the complainant and respondent and a copy shall be filed with the NHQ CAP/GC.

#### **Attachments:**

1. Sample Read In Document
2. Sample Letter for Appointment of Investigative Officer
3. Format for Summary Report of Investigation

#### **SUMMARY OF CHANGES**

This regulation is revised in its entirety; it expands the definition section, further explains the limitations of the complaint process to cover all complaints including discrimination, hazing, abusive language, hostile environment and public humiliation. It shifts the ultimate responsibility for the investigation of complaints to the wing commander through his/her inspector general or an appointed investigative officer; and sets form, format, investigative standards, and procedures. Establishes funding responsibilities for investigations.

**SAMPLE READ IN DOCUMENT**

Date  
Rank Name, CAP  
Organization  
Address  
City, State Zip

Dear Rank Name:

The XX Wing Inspector General's Office (herein referred to as XX WG IG) has been appointed by the XX WG Commander to inquire into a complaint concerning an allegation of \_\_\_\_\_

To preserve the integrity of our inquiry, we ask while the inquiry is in progress that you not discuss this situation with anyone, other than personnel from the office of the XX WG IG. You are expected to be truthful in all matters concerning this situation. Your failure to be truthful could be consequential to your CAP membership.

You are reminded that CAPR 123-2, Paragraph 4d states (in part):

*"Members shall not send complaints, correspondence, or copies thereof, to other CAP members, including any member of the National CAP staff and/or USAF staff."*

The sending of copies of complaints, or correspondence related to complaints, to other CAP members, INCLUDING ANY MEMBER OF THE NATIONAL CAP or CAP-USAF STAFF, BEFORE XX WG IG has completed its inquiry WILL NOT BE TOLERATED.

Failure to be truthful or failure to cooperate in this matter may cause termination of your membership privileges or other privileges provided for you by CAP regulations. This request does not abridge your right to contact governmental officials (elected or regulatory) or to discuss this situation with legal counsel.

JOHN Q. CITIZEN, Lieutenant Colonel, CAP  
Inspector General  
XX Group/Region/Wing

**I HAVE READ AND UNDERSTAND THE ABOVE INFORMATION. I KNOW THAT I AM TO RESPOND TRUTHFULLY AND PROMPTLY IN WRITING OR VERBALLY TO XXIG REQUESTS FOR INFORMATION.**

\_\_\_\_\_  
**SIGNATURE/CAPSN**  
**PLEASE SIGN AND RETURN THIS FORM IMMEDIATELY TO XXIG**

\_\_\_\_\_  
**DATE**

**SAMPLE LETTER FOR APPOINTMENT OF INVESTIGATIVE OFFICER**

MEMORANDUM FOR (UNIT/OFFICE Symbol)  
ATTENTION: (Rank, Name)

Date

FROM: (Appointing Authority)

SUBJECT: Appointment as Investigative Officer

1. I hereby detail you to conduct an investigation into all aspects and circumstances concerning [give brief, but complete listing of what is to be looked into, ensuring you do not mention names of the complainant, respondent, or witnesses]. Authority for this investigation is CAPR 123-2.

2. You are authorized to interview personnel, take statements, and examine any and all relevant CAP records. All records, files, and correspondence relative to the matter under investigation, controlled by CAP and its members, will be made available to you.

3. You have \_\_\_\_ days [recommend 90] to complete your investigation and prepare your report for submission to the XX IG [Commander if the IG is the IO]. For tracking purposes, submit a progress report [short written memo] on the 45th day from the date of this letter and every 30 days thereafter until your report is complete. Include the following:

- a. complainant or subject's name
- b. date complaint received
- c. date IO appointed
- d. brief summary of investigation to-date
- e. reason for any delays
- f. estimated completion date

Note: Suggest you meet or speak with \_\_\_\_\_ [IG representative] and \_\_\_\_\_ [wing legal officer] who will provide additional information about investigative techniques and processes and serve as points of contact on these matters during your investigation.

4. Prepare and submit to me a Summary Report of Investigation according to the outline in CAPR 123-2 after your investigation is complete. Include a copy of all documentation as attachments to the report.

5. You may not at any time release information included in this case without NHQ CAP/GC approval.

Signature Block  
Appointing Authority

Attachment  
Copy of Complaint (Unredacted)

**FORMAT FOR SUMMARY REPORT OF INVESTIGATION (SROI)**

**SUMMARY REPORT OF INVESTIGATION**

**PREPARED BY**

\_\_\_\_\_ [INVESTIGATIVE OFFICER)

**CONCERNING**

[TOPIC OF COMPLAINT] See Note 1

- 1. COMPLAINANT'S ALLEGATION**
- 2. SUMMARY OR BACKGROUND**
- 3. CIVIL AIR PATROL DIRECTIVES WHICH WERE VIOLATED**
- 4. COMPLAINANT'S DOCUMENTATION**
- 5. RESPONDENT'S DOCUMENTATION**
- 6. WITNESSES' DOCUMENTATION**
- 7. FACTUAL FINDINGS**
- 8. CONCLUSION CLASSIFICATION**
- 9. RECOMMENDATIONS**
- 10. SIGNATURE OF THE INSECTOR GENERAL OR INVESTIGATIVE OFFICER**

**Note 1 - Use just enough detail to identify the complaint; preference is not to use complainant's or respondent's names in the heading. A group, wing, or national numbering system may also be included**